IN RF: PETITION FOR RESIDENTIAL ZONING VARIANCE N/S Geise Avenue, 630 ft. W of c/l hincoln Avenue 7334 Geise Avenue

* BEFORE THE * ZONING COMMISSIONER * OF BALTIMORE COUNTY

15th Election District * Case No. 92-197-A /th Councilmanic District James T. Blevins, et ux

Petitioners * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open porch with a side yard setback of 6-1/2 ft. in lieu of the minimum required 7-1/2 ft., as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance, and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation

presented. The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, including letters in support for the Petition from their immediate neighbors, and the photographs presented, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should, therefore, be granted. In the opinion of the Zoning Commissioner, the information, photos, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

AFFIDAVIT •

92-197-A The undersigned hereby affirms under the penalties of perjury to the Zoming Commissioner of

Paltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with

regard thereto. SPARROWS POINT, Mp. 11019

That based upon personal knowledge, the following are the facts upon which kine base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

THIS SIDE PORCH HAS EXISTED FOR MANY YEARS AND IS REQUIRED TO GAIN ACCESS TO THIS DIMELLING.

That Affiant(s) admowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

JAMES T. BLEVINS + TERRY L. BLEVINS the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made coth in due form of low that the matters and facts bereinabove set forth are true and cornect to the best of his/her/their knowledge and baltief.

as MITHMAS my band and Notarial Scal.

This property is located within the Chesapeake Bay Critical Areas and is subject to compliance with the recommendations to be made by the Department of Environmental Protection and Resource Management (DEPRM), pursuant to Section 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.), upon completion of their findings. The relief granted herein shall be conditioned upon Petitioner's compliance with said findings.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this $\frac{12^{-6}}{\text{day of } \cdot \frac{1000}{1000}}$, 1991 that the Petition for a Zoning Variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit an open porch with a side yard setback of 6-1/2 ft. in lieu of the minimum required 7-1/2 ft., in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Compliance with the Department of Environmental Protection and Resource Management (DEPRM) recommendations to be submitted upon completion of their review of this matter.

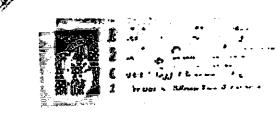
> LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

and the second

少到

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY

Posted for: // AYIONCS	Date of Posting /1/1/9/
Posted for:	<u> </u>
Petitioner: Fames To Bla	of 120 WHinely Har
ocation of property: W/3	free 630. W/Hinseln Ars
Location of Signs Facility 60.	3 x 177-1- Stilles - Land Land Hart
on fro fexty of la	itioner
Demeste.	
Posted by Missiane	Data of return: (1/27/9/



Anna & A.1-91-21

THE SUIT STRAIGHT GROWN IN THE SECTION OPO POST THE STERMS TO THE THE IT IN SECTION

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

111 West Chesapeake Avenue Towson, MD 21204

887 3353

December 12, 1991

Mr. and Mrs. James T. Blevins 7334 Geise Avenue Sparrows Point, Maryland 21219

> RE: Petition for Residential Zoning Variance Case No. 92-197-A

Dear Mr. and Mrs. Blevins:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

> Very truly yours, James Street Lawrence E. Schmidt Zoning Commissioner

encl.

In the event the decision rendered is unfavorable to any party, please

LES:mmn

Altimore County Government fice of Zoning Administration and Development Management Office of Planning & Zoning

111 West Chesapeake Avenue Towson, MD 2120 i

November 25, 1991

(410) 887-3353

Mr. & Mrs. James T. Blevins 7334 Geise Avenue Sparrows Point, MD 21219

> RE: Item No. 228, Case No. 92-197-A Petitioner: James T. Blevins Petition for Residential Variance

Dear Mr. & Mrs. Blevins:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

Contract Purchaser:

(Type or Print Name)

City/State/Zip Code

Attorney for Petitioner

Attorney's telephone number

petition be posted on the pr

(Type or Print Name)

HE MINIMUM REQUIRED 7/2 44.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason: (indicate hardship or practical difficulty)

PORCH HAS EXISTED FOR TO YEARS AND SERVES THE MAIN ENTRANCE OF THIS DWELLING WHICH IS LOCATED ON THE SIDE. GRANT OF THIS VARIANCE WILL NOT INJURE PUBLIC HEALTH, SAFETY OR WELFARE.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing Baltimore County adopte

is petition, and further agree to and are to be bound more County adopted pursuant to the Zoning Law for Ba	by the zoning regulations and restrictions of ltimore County.
	I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.
act Purchaser:	Legal Owner(s):
	JAMES T. BLEVINS
or Print Name)	(Type or Print Name)
ure	Signiture
	TERRY L. BLEVINS
	Jerry L. Blerins
tata/Zip Code	Signature
ney for Petitioner:	.3
	7934 GEISE AVE. 477-0840
or Print Name)	Address Phone
ure	SPARROWS POINT, MO. 21219 City/State/Zip Code
	Name, address and phone number of legal owner, embract
\$	purchaser or representative to be contected.
	JAMES T. BLEVINS
ay ⁱ s talephone number	Name 7354 GEISE AVB. 21219 477-0840
	7354 GEISE AVB. 21219 477-0840
DRDERED by the Zoning Commissioner of Baltimore County, this	9 Hday of NOV., 19 9/, that the subject matter of this
on be posted on the property on or before the 24 th	· · · · · · · · · · · · · · · · · · ·
· · · · · · · · · · · · · · · · · · ·	

ZONING COPPLISSIONER OF BALTIPORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED. IT IS FERTHER ORDERED by the Zoning Commissioner of Baltimore County, this _____ day of _____, 18___, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspopers of general circulation throughin Room 188, County Office Building in Touson, Baltimore County.

DATE:	ZONING COMMISSIONER OF BALTIMORE COUNTY

00

Zoning Plans Advisory Committe Coments Date: November 25, 1991 Page 2

Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the peition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or imcompleteness.

Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Zoning Plans Advisory Committee

Enclosures

JED:jw

111 West Chesapeake Avenue Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this 8th day of November, 1991.

BUREAU OF TRAFFIC ENGINEERING DEPARTMENT OF PUBLIC WORKS

BALTIMORE COUNTY, MARYLAND

This office has no comments for item numbers 183, 222, 223, 224, 227

Mr. Arnold Jablon, Director

and Development Management

Rahee J. Famili

Z.A.C. MEETING DATE: November 19, 1991

SUBJECT: Z.A.C. Comments

RJF/lvd

Office of Zoning Administration

DATE: December 2, 1991

Petitioner: James T. Blevins, et ux Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 20, 1991 Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Coming Advisory Committee Meeting for November 19, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 222, 223, 227 and 228.

For Items 180 and 225, County Review Group Meetings may be required for these sites.

For Item 224, the owner is cautioned that there is an existing 10-foot drainage and utility easement along the west property line and that no permanent structures are allowed in County rights-of-ways. A 70-foot unit on this lot will encroach on either the 10-foot or 15-foot side yard line shown on the plat.

> ROBERT W. BOWLING, P.E., Chief Developers Engineering Division

BWB:E

· Alle

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

DATE: January 6, 1992

INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director Office of Zoning Administration and Development Management

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 228 Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 7334 Geise Avenue. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. James Blevins

APPLICANT PROPOSAL

The applicant has requested a variance from section 301.1, 1802.3.C.1 of the Baltimore County Zoning Regulations to permit "an open porch with a sideyard setback of 6.5 feet in lieu of the minimum of 7.5 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

- 1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
- Conserve fish, wildlife and plant habitat; and
- Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts" <COMAR 14.15.10.01.0>.

Mr. Arnold Jablon

REGULATIONS AND FINDINGS

22-213(a)>.

shoreline buffer shall occur.

<Section 22-217(e)>.

associated with them.

Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal

wetlands, and tributary streams" < Baltimore County Code Sec.

Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.

before December 1, 1985, then man-made impervious surfaces

that increase the sum to more than 25% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a

Regulation: "If a parcel or lot one-half acre or less in size was in residential use or zoned for residential purposes on or

associated with that use are limited to 25% of the parcel or lot"

Findings: This property has impervious surfaces that sum to approximately 13% of the lot, and is therefore in compliance with

the above regulation. Impervious surfaces shall not be permitted

forest or developed woodland of at least 15%" <COMAR 14.15.02.04

Finding: This property has tree cover that sums to 15% of the lot. No additional trees are required; however, property owners are always encouraged to plant additional native trees.

Trees are an important factor in improving water quality.

The roots of trees greatly improve the infiltration rate of storm

water and efficiently remove nitrogen from subsurface flows of

groundwater. Trees also act as both a barrier and a sponge,

blocking and absorbing eroding soils and the phosphorous

Finding: This property is located approximately 500 feet from the tidal water of Jones Creek; therefore, no disturbance of the

protected from contamination" <Baltimore County Code Sec. 22-98>

January 6, 1992

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

DATE: November 25, 1991 Arnold Jablon, Director Zoning Administration and Development Management

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Mass Transit Administration, Item No. 183 Clayman Property, Item No. 222 Durkee Property, Item No. 223 Blevins Property, Item No. 228 Copinger Property, Item No. 229 Griffith Property, Item No. 230 Sargent/Smith Property, Item No. 232 Starrett Property, Item No. 234

In reference to the Petitioners' request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn ITEM183/TXTROZ

700 East Joppa Road Suite 901 Towson, MD 21204-5500

Paltimore County Government Fire Department

(301) 887-4500

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

RE: Property Owner: JAMES T. BLEVINS

Location: **#1404 STENGEL AVENUE**

Zoning Agenda: NOVEMBER 19, 1991

NOVEMBER 25, 1991

Gentlemen:

Item No.:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Planning Group Fire Prevention Buyeau Special Inspection Division

JP/KEK

January 6, 1992

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the

(2) Infiltration of water is maximized throughout the site, rather

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code,

<u>Findings:</u> The rooftop runoff presently discharges from the existing rainspouts and empties across the lawn. This decentralizes the discharge points and maximizes the infiltration of stormwater.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Ms. Patricia M. Farr at 887-2904.

> J. James Dieter, Director Department of Environmental Protection and Resource Management

JJD:NSS:tjl

Attachment

cc: Mr. and Mrs. Blevins

BLEVINS/WQCBCA

Mr. Arnold Jablon

Regulation: "The stormwater management system shall be designed so that:

land had remained in its predevelopment state;

than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

Section 22-217(h)>.

